

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANUPAM BANSAL,

Plaintiff,

v.

MICHAEL CHERTOFF, *et al.*,

Defendants.

No. C06-1716RSL

ORDER DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AND ORDER
TO SHOW CAUSE

This matter comes before the Court on plaintiff's motion for summary judgment (Dkt. #13) and defendants' cross-motion to dismiss (Dkt. #16). On November 27, 2006, plaintiff filed a complaint alleging that defendants have unreasonably delayed processing his I-485 application for adjustment of status to that of a lawful permanent resident. In his motion for summary judgment, plaintiff seeks an order requiring United States Citizenship and Immigration Services ("USCIS") to adjudicate his I-485 application within thirty days. In opposition, defendants moved to dismiss, contending that the government has acted reasonably in processing plaintiff's application and arguing that no "visa number" has been available for plaintiff at any time when his application was ready for adjudication.

By order dated October 29, 2007, the Court denied defendants' motion to dismiss and deferred plaintiff's motion for summary judgment. The Court ordered USCIS to adjudicate

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1 plaintiff's application by December 7, 2007 or show cause why it could not do so. The relevant
2 facts are set forth in that order and will not be repeated here.

3 Defendants have filed their response and stated that they are unable to adjudicate Mr.
4 Bansal's application because there are no visa numbers currently available for plaintiff. Nor will
5 a visa number be available in December 2007. USCIS cannot adjudicate his application until a
6 visa number becomes available for him. In addition, plaintiff has stated that his divorce will
7 become final on December 20, 2007. Plaintiff will not be eligible to adjust his status as the
8 spouse of a third preference worker if his divorce becomes final before a visa number becomes
9 available for him.

10 Accordingly, the Court DENIES plaintiff's motion for summary judgment (Dkt. #13) and
11 ORDERS plaintiff to show cause by December 20, 2007 why this case should not be dismissed
12 as moot due to his impending divorce. The Clerk of the Court is directed to note this order to
13 show cause on the Court's calendar for December 21, 2007.

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15 DATED this 10th day of December, 2007.

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18 Robert S. Lasnik
19 United States District Judge
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